

MICHIGAN DEPARTMENT OF CORRECTIONS
MISCONDUCT REPORT

8-27

CSJ-228
10/10 4835-3228

Prisoner Number: 397428	Prisoner Name: Centrell	Facility Code: I8C	Lock: 2-246 B	Violation Date: 8-18-17
Time and Place of Violation: 2015 Housing Unit 2 Bupper	Contraband Removal Record Provided to Prisoner? <input type="checkbox"/> Yes Date <input type="checkbox"/> N/A			
Misconduct Class: <input checked="" type="checkbox"/> I <input type="checkbox"/> II <input type="checkbox"/> III	Charge(s): Assault and Battery (STAFF Victim)			
Describe Violation (If contraband involved, describe in detail; Identify any other employee witnesses): While escorting Prisoner Centrell #397428 from 2-246 B to Housing unit B He pulled away at the leg of the Staff causing me to lose my balance. Prisoner Centrell continued to tense his body and Resist our efforts to gain control. Prisoner Centrell was placed on the ground, given orders to Stop Resisting. Prisoner Centrell continued to Resist. He gained control of Prisoner Centrell and finished the escort to Housing Unit B. ID by State ID & HR2 Count Board.				
Reporting Staff Member's Name (Print) Hedding	Reporting Staff Member's Signature	Date and Time Written 8-18-17 2111		
REVIEW				
Location/Verification/Condition of Evidence:				
Elevated to Class I at review: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	If "yes", explain reason:			
COMPLETE THIS SECTION ONLY FOR REVIEW OF CLASS I MISCONDUCT				
Status Pending Hearing: <input type="checkbox"/> Bond <input checked="" type="checkbox"/> Segregation <input type="checkbox"/> Confinement to Cell/Room <input type="checkbox"/> Other				
Reason for Non-Bond: <input checked="" type="checkbox"/> Non-Bond List <input type="checkbox"/> Bond Revoked (must give reason)				
Date and Time Given this Status: 8-18-17 2120	Who Notified in Housing Unit of Status: Go Johnson			
Hearing Investigator Requested? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	Witnesses Requested? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If yes, list:			
Relevant Documents Requested? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If yes, list:				
Additional Comments:	Prisoner Waives 24 Hour Notice of Hearing? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes Hearing Date: 8-21-2017			
Reviewing Officer's Name (Print) L. S. Gilbert	Reviewing Officer's Signature L. S. Gilbert	Review Date and Time 8-18-17 2130		
I have received a copy of this report. My signature does not necessarily mean that I agree with the report. <input checked="" type="checkbox"/> Prisoner refused to sign. Copy given to prisoner.				
PRISONER'S WAIVER OF CLASS I OR II HEARING				
I understand I have a right to a hearing. I waive my right to a hearing and plead guilty to all charges. I also waive my right to appeal and accept the sanctions imposed.				
SANCTIONS IMPOSED (Hearing Investigator enters begin and end dates for Class II misconducts)				
Days Toplock <input type="checkbox"/>	Begins: _____	Ends: _____	<input type="checkbox"/> Counselling/Reprimand (Class III only)	
Days Loss of Privileges <input type="checkbox"/>	Begins: _____	Ends: _____	<input type="checkbox"/> \$ _____ Restitution (Class II only)	
Hours Extra Duty <input type="checkbox"/>	Begins: _____	Ends: _____		
Property Disposition If Applicable:				
Employee Accepting Plea and Imposing Sanction (Print)	Employee's Signature			Date
Hearing Investigator's Name (Print)	Hearing Investigator's Signature			Date

Distribution: Prisoner; Counselor File; Record Office File (Class I and II); Central Office File (Class I); Hearing Investigator (Class I & Class II)

MICHIGAN DEPARTMENT OF CORRECTIONS
CLASS I MISCONDUCT HEARING REPORT

Prisoner No. 397429	Prisoner Name Cantrell	Facility Code IBC	Lock No. 8-27	Violation Date 08/19/2017																				
Charge(s) Assault and Battery (2015)																								
If Charge Changed by Hearing Officer				Plea <input type="checkbox"/> Guilty <input checked="" type="checkbox"/> Not Guilty																				
Misconduct Report Read to and Discussed with Prisoner		<input checked="" type="checkbox"/> (check if applies)	No Hearing Investigation Requested																					
Hearing Investigation Read to and Discussed with Prisoner		<input checked="" type="checkbox"/> (check if applies)	<input type="checkbox"/> (check if applies)																					
EVIDENCE/STATEMENTS IN ADDITION TO MISCONDUCT REPORT																								
<p>I began the hearing by viewing a video outside of prisoner's presence. The video shows four officers escorting prisoner on the wing. As prisoner and the officers step down the stairs, one of the officers loses his balance. After reaching the bottom of the stairs and the staff are escorting prisoner, one of the officers places his foot under prisoner, tripping him. Staff and prisoner go to the floor. The video and video statement are marked confidential for security purposes. Prisoner present. Video summarized. All documents are one page unless otherwise noted. Misconduct Report, Hearing Investigation Report, including prisoner's statement to the hearing Investigator, Misconduct Sanction Screening Form, read to and discussed with prisoner.</p> <p>ORAL STATEMENT FROM PRISONER AT HEARING: I was going with the motion. I did not do anything wrong. I told prisoner the decision, sanction and dates prior to his leaving the hearing room.</p> <p>DUE PROCESS: It is noted that the reporter placed an incorrect prisoner number on the Misconduct Report. I find this to be harmless clerical error.</p>																								
REASONS FOR FINDINGS																								
<p>PD 03.03.105 defines assault and battery as an intentional, non-consensual touching of another person done either in anger or with the purpose of abusing or injuring another; physical resistance or physical interference with an employee. Injury is not necessary but contact is. The reporter says that while he was escorting prisoner, prisoner pulled away at the top of the stairs, causing the reporter to lose his balance. Prisoner continued to tense his body and resist staff escort to gain control. Prisoner continued to resist while he was on the floor. The video shows the reporter lose his footing, but it is not clear that prisoner at any time tenses up. Prisoner's explanation of the event, that he was just going with the motion, also is consistent with the video. Three other staff members were present, but their statements were not submitted to determine the veracity of the reporter or of prisoner. Without such statements of verification, I am not convinced that prisoner physically resisted or interfered with an employee. In addition, the Misconduct Report and the video do not indicate that prisoner's action was a non-consensual touching of another person done either in anger or with the purpose of abusing or injuring another.</p>																								
PROPERTY DISPOSITION (for contraband see PD 04.07.112)																								
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<p>DISPOSITION (select one or more) (Toplock & LOP Sanctions End at 6:00 am)</p> <table border="0"> <tr> <td>Begins</td> <td>Ends</td> <td>Days of Detention</td> <td>Days Credit</td> </tr> <tr> <td>Days Top Lock</td> <td></td> <td></td> <td>Hours Extra Duty</td> </tr> <tr> <td>Days Loss of Privileges</td> <td></td> <td>\$</td> <td>Restitution</td> </tr> </table>					Begins	Ends	Days of Detention	Days Credit	Days Top Lock			Hours Extra Duty	Days Loss of Privileges		\$	Restitution								
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Misconduct Hearing Report personally handed to Prisoner by Hearing Officer on this date: _____ (Check if Applies) <input type="checkbox"/>		Hearing Report given to Staff Member by Hearing Officer for Delivery to Prisoner this date: <u>8/23/2017</u> (Check if Applies) <input checked="" type="checkbox"/>																						
Date of Hearing <u>08/23/2017</u>		Name of Staff Member <u>HI Novak</u>																						
Hearing Officer's Name <u>S. Burke 053</u>	Hearing Officer's Signature <i>Susan C. Burke</i>		Date <u>8-23-17</u>																					

DISTRIBUTION Record Office, Central Office File, Prisoner, Counselor File, Hearing Investigator

MICHIGAN DEPARTMENT OF CORRECTIONS
HEARING INVESTIGATION REPORT

CAJ-681
 REV. 2/90
 4836-0681

Number: 397429	Name: Cantrell	Date Seen: 8/21/2017	Time Seen:
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PRISONER'S STATEMENT: "I didn't do anything. I was walking with them and Heilig just kind of tripped down the stairs. There

were four of them and one of me so there was not much room left on the stairs. Heilig just sort of
tripped, he didn't fall and I didn't push or pull him. We got to the bottom of the stairs and they just
tripped me and jumped on me for no reason. I was walking and doing what they wanted."

1. _____ 2. _____

WITNESSES REQUESTED: Yes No
 3. _____ 4. _____

QUESTIONS TO STAFF WITNESSES: _____

The facility is requesting the attached video be made confidential due to security concerns. I certify the video is an accurate copy made from the original recording.

Signature: 	Date: 8/22/2017
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Video Summary

Re: 397429 Cantrell

Date: 8/19/17

Location: Unit 2

A group of officers is escorting Cantrell down the stairs in unit 2. I do not know who any of the officers are, they are not listed on the misconduct report, and no witness statements were provided. While coming down the stairs officer Hellig slips and loses his footing. Once on base one of the unknown officers trips Cantrell and the whole group ends on the floor, with the officers on top of Cantrell.

CONFIDENTIAL
PER H.O. *Final 033*
DATE *8/23/17*